

## SEVENTH DAY

(Tuesday, October 6, 1936)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hanna
Adamson	Hardin
Adkins	Harper
Aikin	Harris of Archer
Alsup	Harris of Dallas
Ash	Hartzog
Atchison	Head
Bergman	Herzik
Bourne	Hill
Bradbury	Hodges
Bradford	Hofheinz
Bridgers	Holland
Broadfoot	Howard
Broyles	Huddleston
Burton	Hunt
Butler of Brazos	Hunter
Butler of Karnes	Hyder
Cagle	Jackson
Caldwell	James
Calvert	Jefferson
Canon	Jones of Atascosa
Celaya	Jones of Falls
Collins	Jones of Shelby
Colquitt	Jones of Wise
Colson	Keefe
Cooper	King
Cowley	Knetsch
Craddock	Lange
Crossley	Lanning
Daniel	Latham
Davis	Leath
Davison of Fisher	Lemens
Davisson	Lindsey
of Eastland	Lotief
Dickison	Lucas
Dunlap of Hays	Luker
Dunlap of Kleberg	Mauritz
Duvall	McConnell
Dwyer	McFarland
England	McKinney
Fain	Moffett
Farmer	Moore
Fisher	Morris
Ford	Morrison
Fox	Morse
Frazer	Newton
Fuchs	Nicholson
Gibson	Olsen
Glass	Palmer
Good	Patterson
Graves	Payne
Gray	Petsch
Greathouse	Pope
Hankamer	Quinn

Reader	Steward
Reed of Bowie	Stinson
Reed of Dallas	Stovall
Riddle	Tarwater
Roach of Angelina	Tennyson
Roach of Hunt	Thornton
Roane	Tillery
Roark	Venable
Roberts	Waggoner
Rogers	Walker
Russell	Wells
Scarborough	Westfall
Settle	Wood of Harrison
Shofner	Worley
Smith	Young
Spears	Youngblood
Stanfield	

## Absent—Excused

Alexander	McKee
Dunagan	Padgett
Hoskins	Rutta
Leonard	Sessions
McCalla	Wood of Montague

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Our Heavenly Father, surrounded by Thy blessings as we are, we come to Thee just now in prayer for our fellow-member, who so seriously ill. Wilt Thou bless him and his according to their need. Qualify us for the duties that await. In Christ's name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Rutta for today, on motion of Mr. Herzik.

The following Members were granted leaves of absence on account of illness:

Mr. Padgett for today, on motion of Mr. Ford.

Mr. Alexander for today, on motion of Mr. Gibson.

Mr. Sessions for today, on account of illness in his family, on motion of Mr. Fisher.

Mr. Leonard for today, on account of a death in his family, on motion of Mr. Walker.

Mr. Dunagan for today, on motion of Mr. Russell.

Mr. McCalla for today, on motion of Mr. Howard.

Mr. Hoskins and Mr. Wood of Montague were granted leaves of absence for yesterday afternoon and this

morning to attend Mr. McKee, who is ill in a hospital in San Antonio.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Russell:

H. B. No. 34, A bill to be entitled "An Act levying a tax of 2½ per cent of the total sum or amount of each mortgage or other evidence of indebtedness held by any person, firm, company, partnership or corporation engaged in the business of loaning money on automobiles, including all brokers and finance companies; and designating the holder of such evidence of indebtedness as automobile loan brokers for the purposes of this Act; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Roark:

H. B. No. 35, A bill to be entitled "An Act making an appropriation of Three Million (\$3,000,000) Dollars from all funds received into the State Treasury for the use of the State General Revenue Fund as said funds are received, but before they are credited to said State General Revenue Fund, for the purpose of paying old age pensions under the provisions of House Bill 26, Acts of the Forty-fourth Legislature, Second Called Session, known as the Old Age Assistance Law, and directing the State Comptroller of Public Accounts beginning on the effective date of this Act, to make proper deposit warrants according to the provisions of this Act; etc., and declaring an emergency."

Referred to the Committee on State Affairs.

#### COMMITTEE APPOINTED

The Speaker announced the appointment of the following committee to make certain investigation in regard to the alleged rumors concerning certain doctrines taught in State Institutions of Higher Learning: Mr. Caldwell, Mr. Cooper, and Mr. Harris of Dallas.

#### BILL RE-REFERRED

Mr. Jones of Wise moved that House Bill No. 10 be withdrawn from

the Committee on Revenue and Taxation, and referred to the Committee on Municipal and Private Corporations.

Mr. James moved to table the motion.

The motion to table was lost.

Question then recurring on the motion to refer House Bill No. 10, it prevailed.

#### BILL ORDERED PRINTED

Mr. Knetsch moved that House Bill No. 3, reported adversely with a minority favorable report, be printed.

Question recurring on the motion to print House Bill No. 3, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—92

Adamson	Hofheinz
Adkins	Holland
Aikin	Huddleston
Alsup	Hunt
Ash	Hyder
Atchison	Jones of Falls
Bradbury	Jones of Shelby
Bradford	Jones of Wise
Broadfoot	Keefe
Broyles	King
Burton	Knetsch
Butler of Karnes	Lanning
Cagle	Leath
Calvert	Lotief
Canon	Lucas
Celaya	Luker
Cowley	Mauritz
Crossley	McConnell
Craddock	McFarland
Daniel	McKinney
Davis	Moore
Dickison	Morris
Dunlap of Hays	Morrison
Dunlap of Kleberg	Newton
England	Palmer
Fain	Payne
Fisher	Petsch
Ford	Pope
Fox	Quinn
Fuchs	Reader
Gibson	Reed of Bowie
Glass	Riddle
Good	Roach of Angelina
Graves	Roach of Hunt
Gray	Roark
Greathouse	Rogers
Hardin	Russell
Harper	Scarborough
Hartzog	Settle
Head	Shofner
Hodges	Spears

Stovall	Wells
Tarwater	Westfall
Tillery	Wood of Harrison
Venable	Young
Waggoner	Youngblood

## Nays—27

Bergman	Latham
Bridgers	Moffett
Collins	Morse
Colquitt	Nicholson
Cooper	Reed of Dallas
Davisson	Roane
of Eastland	Roberts
Hankamer	Smith
Harris of Archer	Steward
Harris of Dallas	Stinson
Howard	Tennyson
Hunter	Thornton
Jackson	Walker
James	Worley

## Absent

Butler of Brazos	Herzik
Caldwell	Hill
Colson	Jefferson
Davison of Fisher	Jones of Atascosa
Duvall	Lange
Dwyer	Lemens
Farmer	Lindsey
Frazer	Olsen
Hanna	Patterson

## Absent—Excused

Alexander	McKee
Bourne	Padgett
Dunagan	Rutta
Hoskins	Sessions
Leonard	Stanfield
McCalla	Wood of Montague

## RELATIVE TO HOUSE BILL NO. 3

Mr. Reader moved that House Bill No. 3, be printed in mimeograph form and not otherwise printed.

Mr. Quinn moved to table the motion.

The motion to table prevailed.

## RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

Senate Concurrent Resolution No. 2, Relative to the use of certain text books in public free schools.

## RELATIVE TO HOUSE BILL NO. 28

Mr. Pope moved that House Bill No. 28, reported adversely with a minority favorable report, be printed.

Question recurring on the motion to print House Bill No. 28, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—59

Bergman	Jefferson
Bradford	Jones of Atascosa
Broadfoot	Jones of Shelby
Broyles	King
Butler of Brazos	Knetsch
Butler of Karnes	Lanning
Caldwell	Luker
Canon	Mauritz
Celaya	Moore
Collins	Nicholson
Colquitt	Petsch
Cooper	Pope
Craddock	Reader
Davis	Roach of Angelina
Dickison	Roach of Hunt
Dunlap of Hays	Roane
Farmer	Rogers
Gibson	Russell
Good	Scarborough
Graves	Smith
Gray	Stovall
Greathouse	Tarwater
Hankamer	Thornton
Hanna	Tillery
Hardin	Venable
Hodges	Waggoner
Holland	Walker
Huddleston	Westfall
Hunter	Youngblood
Hyder	

## Nays—59

Adamson	Fox
Adkins	Glass
Aikin	Harper
Alsup	Harris of Archer
Ash	Harris of Dallas
Atchison	Hartzog
Bradbury	Head
Bridgers	Howard
Burton	Hunt
Calvert	Jackson
Crossley	Jones of Falls
Daniel	Jones of Wise
Davison of Fisher	Keefe
Davisson	Latham
of Eastland	Leath
England	Lotief
Fain	Lucas
Fisher	McConnell
Ford	McFarland

McKinney	Reed of Dallas
Moffett	Riddle
Morris	Roark
Morrison	Roberts
Morse	Settle
Newton	Shofner
Palmer	Stinson
Patterson	Tennyson
Payne	Wells
Quinn	Wood of Harrison
Reed of Bowie	Young

## Absent

Cagle	Hofheinz
Colson	James
Cowley	Lange
Dunlap of Kleberg	Lemens
Duvall	Lindsey
Dwyer	Olsen
Frazer	Spears
Fuchs	Steward
Herzik	Worley
Hill	

## Absent—Excused

Alexander	McKee
Bourne	Padgett
Dunagan	Rutta
Hoskins	Sessions
Leonard	Stanfield
McCalla	Wood of Montague

Mr. England moved to reconsider the vote by which the motion to print House Bill No. 28, on a minority report, was lost.

Mr. Wells moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—65

Adamson	Fain
Adkins	Fisher
Aikin	Ford
Alsup	Fox
Ash	Fuchs
Atchison	Hardin
Bradbury	Harper
Bridgers	Harris of Archer
Broadfoot	Hartzog
Broyles	Head
Burton	Herzik
Cagle	Hofheinz
Calvert	Huddleston
Crossley	Hunt
Daniel	Jefferson
Davison of Fisher	Jones of Atascosa
Davison	Jones of Falls
of Eastland	Jones of Wise

Keefe	Quinn
Latham	Reader
Leath	Reed of Bowie
Lemens	Riddle
Lotief	Roark
Lucas	Roberts
McConnell	Settle
McFarland	Shofner
Moffett	Stinson
Morris	Tennyson
Morse	Waggoner
Nicholson	Wells
Palmer	Worley
Patterson	Young
Payne	Youngblood

## Nays—64

Bergman	James
Bradford	Jones of Shelby
Butler of Brazos	King
Butler of Karnes	Knetsch
Caldwell	Lanning
Canon	Lindsey
Collins	Luker
Colquitt	Mauritz
Cooper	McKinney
Craddock	Moore
Davis	Morrison
Dickison	Newton
Dunlap of Kleberg	Petsch
Duvall	Pope
Dwyer	Reed of Dallas
England	Roach of Hunt
Farmer	Roane
Gibson	Rogers
Glass	Russell
Good	Scarborough
Graves	Smith
Gray	Spears
Greathouse	Stanfield
Hankamer	Steward
Hanna	Stovall
Harris of Dallas	Tarwater
Hodges	Thornton
Holland	Tillery
Howard	Venable
Hunter	Walker
Hyder	Westfall
Jackson	Wood of Harrison

## Absent

Celaya	Hill
Colson	Lange
Cowley	Olsen
Dunlap of Hays	Roach of Angelina
Frazer	

## Absent—Excused

Alexander	McKee
Bourne	Padgett
Dunagan	Rutta
Hoskins	Sessions
Leonard	Wood of Montague
McCalla	

# MOTION TO RE-REFER HOUSE BILL NO. 15

Mr. Quinn moved that House Bill No. 15 be withdrawn from the Committee on Revenue and Taxation, and referred to the Committee of the Whole House.

The motion was lost.

## SPECIAL ORDER SET

Mr. Knetsch moved that House Bill No. 3 be set as a special order for 11 o'clock a. m., Wednesday, October 7.

Mr. Alsup raised a point of order, on further consideration of the motion by Mr. Knetsch, on the ground that the bill is not before the House as same has not yet returned from the printer.

The Speaker sustained the point of order.

Mr. Knetsch moved that House Bill No. 3 be set as a special order for 10:30 o'clock a. m., Thursday, October 8.

Question recurring on the motion to set House Bill No. 3 as a special order, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—85

Adamson	Fox
Adkins	Fuchs
Aikin	Gibson
Alsup	Glass
Ash	Graves
Atchison	Gray
Bradbury	Greathouse
Bradford	Hardin
Bridgers	Harper
Broyles	Hartzog
Burton	Herzik
Butler of Brazos	Hodges
Butler of Karnes	Howard
Cagle	Huddleston
Calvert	Hunt
Canon	Jones of Atascosa
Cooper	Jones of Falls
Cowley	Jones of Shelby
Craddock	Jones of Wise
Crossley	Knetsch
Daniel	Lanning
Davis	Leath
Dickison	Lindsey
Dunlap of Hays	Lucas
Dunlap of Kleberg	Luker
England	Mauritz
Fain	McConnell
Farmer	Moffett
Fisher	Moore
Ford	Morris

Morrison	Settle
Newton	Smith
Palmer	Spears
Patterson	Stovall
Payne	Tarwater
Petsch	Tillery
Quinn	Waggoner
Reader	Westfall
Reed of Bowie	Wood of Harrison
Riddle	Worley
Roach of Hunt	Young
Rogers	Youngblood
Russell	

Nays—39

Bergman	Latham
Broadfoot	Lotief
Caldwell	McFarland
Collins	McKinney
Colquitt	Morse
Colson	Nicholson
Davisson	Pope
of Eastland	Reed of Dallas
Duvall	Roane
Dwyer	Roark
Good	Roberts
Hankamer	Scarborough
Hanna	Stanfield
Harris of Dallas	Steward
Head	Stinson
Hunter	Tennyson
Hyder	Thornton
Jackson	Venable
James	Walker
Jefferson	Wells

Absent

Celaya	Keefe
Davison of Fisher	King
Frazer	Lange
Harris of Archer	Lemens
Hill	Olsen
Hofheinz	Roach of Angelina
Holland	Shofner

Absent—Excused

Alexander	McKee
Bourne	Padgett
Dunagan	Rutta
Hoskins	Sessions
Leonard	Wood of Montague
McCalla	

## TO GRANT PERMISSION TO SUE THE STATE

Mr. Alsup offered the following resolution:

H. C. R. No. 11. To grant W. D. Hill and Mrs. Willie Hill permission to sue the State.

Whereas, In or about the year 1931 the State of Texas by and through the

State Highway Commission entered into a written agreement with W. D. Hill and wife, Willie Hill, who live at Carthage, Panola County, Texas, in which the Highway Department leased for a period of five years the following described property, to-wit: a part of the George Goodwin Survey in Carthage, Panola County, Texas, and bounded as follows:

"On the north by street leading East from Highway No. 8 running by Fite and Bedell homes; on the East by the Santa Fe right of way; on the South by colored M. E. church property, and on the West by street running by T. J. Bedell's place, and containing one and one-half acres of land more or less and being the same property conveyed to W. D. Hill by Jas. R. Reeves by deed duly recorded in deed records of Panola County, Texas, to which said instrument and the records thereof, reference is made."

The agreement further contained the stipulation that the warehouse, fences, and other improvements that were located and situated upon the lease premises at the time the agreement was made and all other improvements located on said premises shall at the expiration of the lease remain on said property, and shall become the property of W. D. Hill and his wife, Willie Hill, and that the Texas Highway Department shall not have the right to remove said warehouse and other improvements so mentioned situated and located on said premises and further the Texas Highway Department shall not in any way destroy or permit said warehouse and other improvements to deteriorate in value, or destroy and remove same off of said premises at any time during the life of said lease other than the ordinary wear and tear by use of same. It was further agreed that the Texas Highway Department reserve the right to abandon such property at the end of any year during the life of this lease with written notice to the owner thirty days in advance of such proposed vacation.

Whereas, In the latter part of August, 1936, the State Highway Commission removed the warehouse, fences, and all other improvements located on the above described premises without the knowledge or consent of W. D. Hill and wife, Willie Hill, which was all in violation of said agreement for which damage, if any, W. D. Hill and wife, Willie Hill, have not been compensated in whole or in part; and

Whereas, The said agreement was duly signed on the 12th day of August 1931, by W. D. Hill and Mrs. Willie Hill as lessors, and by the Division Engineer of the Texas Highway Commission, whose name is unknown and by J. B. Early, Maintenance Engineer; Gibb Gilchrist, State Highway Engineer; W. R. Ely, Chairman of the Texas Highway Commission, and D. K. Martin, member of the Texas Highway Commission as lessees; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said W. D. Hill and wife, Willie Hill, be and are hereby granted permission to bring suit against the State of Texas and the State Highway Commission in any court of competent jurisdiction in Panola County, Texas, in order to determine what damage, if any, they suffered and what compensation, if any, they may be entitled to by reason of the removal of above-described property from said lease premises, and that in case suit be filed, service of citation and necessary process may be had on the Highway Commission, its employees and/or agents who signed said lease and the Attorney General with the same force and effect as is made in civil cases.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

#### TO PROVIDE FOR COMMITTEE TO ATTEND CERTAIN CONFERENCE

Mr. Payne offered the following resolution:

Whereas, There has recently been organized at the instigation of Governor James V. Allred, the Southwestern States Probation and Parole Conference, the first meeting having been held at Galveston, Texas, September 2nd and 3rd, 1936, said meeting having been attended by 200 or more persons interested in this important work, and representatives to the first meeting having come from the States of Arkansas, Arizona, Louisiana, New Mexico, Oklahoma and Texas; and

Whereas, Another meeting of the Conference has been called by Governor Allred for December 3rd, 4th and 5th in New Orleans, Louisiana; and

Whereas, The primary purpose of such meeting is to discuss general and specific legislation to be recommended to the Legislatures of the co-operating States; and

Whereas, The subject of a proposed Interstate Compact relating to interstate cooperation in the matter of probation and parole is to be discussed at this meeting; and

Whereas, The vast field of probation and parole offers an excellent opportunity for Texas to incorporate the advances thus far made and assume leadership in this field; now, therefore, be it

Resolved, That a committee from the Texas House of Representatives composed of three members be appointed by the Speaker of the House to attend this Conference in New Orleans with a view of studying proposed legislation on the subject of probation and parole and that the expenses of this committee be defrayed from the Contingent Fund of the Third Called Session of the Forty-fourth Legislature.

The resolution was read second time.

On motion of Mr. Reed of Dallas, the resolution was referred to the Committee on State Affairs.

#### PROVIDING FOR ADDITIONAL MEMBERS OF CERTAIN INVESTIGATING COMMITTEE

Mr. Petsch offered the following resolution:

Whereas, On the 2nd day of October, A. D., 1936, the House of Representatives passed a Simple Resolution authorizing an investigation of the teaching and advocacy of Communism in the State supported schools; and

Whereas, The Speaker of the House inadvertently appointed on such committee three members each of whom voted in favor of the investigation and were active supporters of the resolution; and

Whereas, Such a fact only developed after the appointments had been made by the Speaker; and

Whereas, As a matter of fairness and justice to the matters involved in the investigation the opposition to the resolution should be entitled to representation on said committee; and

Whereas, The addition of such additional members to the committee will result in no expense to the House of

Representatives nor in any inconvenience to the proceedings of the House; therefore, be it

Resolved, That the Speaker of the House be authorized and directed to appoint two additional members to said committee and that such membership be appointed from those who voted against the passage of the resolution.

The resolution was read second time, and was adopted.

#### ADDRESS BY HON. CLYDE GARRETT

Mr. Davisson of Eastland offered the following resolution:

Whereas, We have with us today a man who rightfully received much publicity in the recent campaign; and

Whereas, This unusual man was elected to the high office of Congress in one of the most spectacular campaigns of the past decade; and

Whereas, All West Texas hails his advent into the National Congress with a high degree of expectation; and

Whereas, This gentleman is well informed on the major problems of the hour; and

Whereas, This political phenomenon of West Texas is present in the hall of the House of Representatives; now, therefore, be it

Resolved, That the House of Representatives invite the Honorable Clyde Garrett of Eastland, Texas, to speak to us on any subject which he might choose.

DAVISSON of Eastland,  
DAVISON of Fisher,  
HEAD,  
HUDDLESTON,  
LOTIEF,  
BRADBURY,  
McCONNELL.

The resolution was read second time, and was adopted.

In accordance with the above action, the Hon. Clyde Garrett was escorted to the Speaker's stand by Messrs. Davisson of Eastland, Lotief, Bradbury, McConnell, and Davison of Fisher.

Speaker Stevenson presented Mr. Davisson of Eastland, who in turn introduced Hon. Clyde Garrett.

Mr. Garrett then addressed the House.

### RELATIVE TO CERTAIN ROAD BONDS

The Speaker laid before the House, for consideration at this time,

Senate Concurrent Resolution No. 4, Relative to certain road bonds.

The resolution having heretofore been read second time and referred to the Committee on Highways and Motor Traffic.

The Committee on Highways and Motor Traffic having recommended the adoption of the resolution.

On motion of Mr. Jones of Falls, the resolution was recommitted to the Committee on Highways and Motor Traffic.

### MESSAGE FROM THE SENATE

Austin, Texas, October 6, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 2, Granting Mrs. Annie Allison permission to bring suit against the State of Texas.

H. C. R. No. 3, Granting E. A. Schlick, et al., permission to sue the State of Texas and the State Highway Commission.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

### HOUSE BILL NO. 5 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 5, A bill to be entitled "An Act making an appropriation; directing the State Treasury to transfer certain funds in the permanent Old Age Pension Fund to the Texas Old Age Assistance Fund; authorizing the sale of securities held by the permanent Old Age Pension Fund, and declaring an emergency."

The bill was read second time.

### RECESS

On motion of Mr. Wells, the House at 12 o'clock m., took recess to 2:30 o'clock p. m., today.

### AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

### HOUSE BILL NO. 5 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 5, to make certain appropriation in regard to the Texas Old Age Assistance Fund.

The bill having been read second time on this morning.

By unanimous consent of the House, Mr. Keefe was authorized to withdraw House Bill No. 5 from further consideration by the House at this time.

### ADJOURNMENT

On motion of Mr. Reader, the House at 2:45 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

### APPENDIX

### STANDING COMMITTEE REPORTS

The Committee on Revenue and Taxation filed a favorable report on House Bill No. 8.

The Committee on State Affairs filed favorable reports on House Concurrent Resolutions Nos. 5, 6, 9, 10, 11, and Senate Concurrent Resolution No. 5.

The Committee on Revenue and Taxation filed adverse reports with minority favorable reports on House Bills Nos. 3 and 28.

### EIGHTH DAY

(Wednesday, October 7, 1936)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Ash
Adamson	Atchison
Adkins	Bergman
Aikin	Bourne
Alexander	Bradbury
Alsup	Bradford